

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOSEPH GOTELL,

Plaintiff,

vs.

KIMMI RIDGEWAY, Deputy Clerk, et al.,

Defendants.

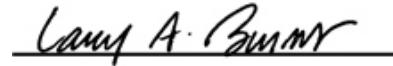
CASE NO. 07cv0084-LAB (JMA)

**ORDER DISMISSING CASE**

By Order entered February 1, 2007, this court granted plaintiff's Motion To Proceed IFP, dismissed the Complaint without prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) after *sua sponte* screening, and granted plaintiff leave to file a First Amended Complaint to address all the deficiencies of pleading described in that Order. The court further advised plaintiff that if the First Amended Complaint still failed to state a claim, this case would be dismissed with prejudice, without further leave to amend. See McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996). On February 13, 2007, plaintiff timely filed a First Amended Complaint. However, that pleading fails to cure the defects identified in his original pleading. Accordingly, **IT IS HEREBY ORDERED** this action is **DISMISSED** with prejudice as to all claims and all parties for failure to state a claim upon which relief can be granted.

**IT IS SO ORDERED.**

DATED: February 27, 2007



HONORABLE LARRY ALAN BURNS  
United States District Judge